

Harris, Rachael A.

From: Auvil, Steven M.
Sent: Monday, April 20, 2015 4:24 PM
To: Maurer, Eric
Cc: croberts@durietangri.com; tsaulsbury@durietangri.com; graubart@fr.com; rward@dilworthip.com; ccampbell@cooley.com; rking@hunton.com; Alex, James S.; Warren Thomas (wthomas@mcciplaw.com); Steve Schaetzel (SSchaetzel@mcciplaw.com); MFerrario@kilpatricktownsend.com; Crain, Andrew; mstockwell@kilpatricktownsend.com; rzoncal@ballardspahr.com; tahirir@ballardspahr.com; millerrw@ballardspahr.com; Harris, Rachael A.; pfs@pfslawgroup.com; Gresham, Dan
Subject: RE: Sarvint cases: extension request [I-AMS.FID1921164]

Eric,

Thanks for your response.

We cannot agree to your compromise offer. A one-week extension is simply not enough time in light of the issues raised in my prior email. For that reason, we have no choice but to move the Court on an expedited basis.

Steve

From: Maurer, Eric [mailto:Eric.Maurer@thomashorstemeyer.com]
Sent: Monday, April 20, 2015 12:00 PM
To: Auvil, Steven M.
Cc: croberts@durietangri.com; tsaulsbury@durietangri.com; graubart@fr.com; rward@dilworthip.com; ccampbell@cooley.com; rking@hunton.com; Alex, James S.; Warren Thomas (wthomas@mcciplaw.com); Steve Schaetzel (SSchaetzel@mcciplaw.com); MFerrario@kilpatricktownsend.com; Crain, Andrew; mstockwell@kilpatricktownsend.com; rzoncal@ballardspahr.com; tahirir@ballardspahr.com; millerrw@ballardspahr.com; Harris, Rachael A.; pfs@pfslawgroup.com; Gresham, Dan
Subject: RE: Sarvint cases: extension request [I-AMS.FID1921164]

Steve:

Hope you had a good weekend.

We have now had a chance to confer with our client on your request of last Friday afternoon for a 21-day extension of time for all defendants in the other cases to response to the motions for preliminary injunction in each of the cases. Sarvint is willing to agree to a one-week extension for all defendants' responses, as a matter of professional courtesy, until May 4, 2015, on the condition that none of the defendants attempt to invoke this courtesy as any admission against Sarvint's claims of irreparable harm set forth in the preliminary injunction motion. This extension would give each of the defendants nearly a full month to consider the motions and formulate their respective responses and provide the defendants with additional time to address their stated desire to coordinate their motion responses.

However, Sarvint cannot consent to an additional two weeks beyond that, which additional extension would amount to nearly 40 days' response time. As reflected in Sarvint's position in each of the Joint Preliminary Planning Reports and Discovery Plans in each of the cases, Sarvint prefers to minimize additional avoidable delays in moving the cases forward.

Regards,

Eric

Eric G. Maurer



400 Interstate North Parkway SE
Suite 1500
Atlanta, Georgia 30339-5029
Phone: 770-933-9500
Fax: 770-951-0933
www.thomashorstemeyer.com

From: Gallagher, Rebecca M. [mailto:rebecca.gallagher@squirepb.com] **On Behalf Of** Auvil, Steven M.
Sent: Monday, April 20, 2015 9:25 AM
To: Auvil, Steven M.; Maurer, Eric; Crain, Andrew; pfs@pfslawgroup.com; Gresham, Dan
Cc: croberts@durietangri.com; tsaulsbury@durietangri.com; graubart@fr.com; rward@dilworthip.com; ccampbell@cooley.com; rking@hunton.com; Alex, James S.; Warren Thomas (wthomas@mcciplaw.com); Steve Schaetzel (SSchaetzel@mcciplaw.com); MFerrario@kilpatricktownsend.com; mstockwell@kilpatricktownsend.com; rzoncal@ballardspahr.com; taherir@ballardspahr.com; millerrw@ballardspahr.com; Harris, Rachael A.
Subject: RE: Sarvint cases: extension request [I-AMS.FID1921164]
Importance: High

Dear Eric and Andrew-

I'm following up on my email below regarding our request for an extension of time to file responses to the motions for preliminary injunction for 3 weeks, or until May 18th.

Please let us know by 12p.m. today if your client will consent to our request for the extensions. Given the upcoming deadline for the responses, we intend to file our motion for an extension today with the Court this afternoon.

Thanks.

Steve

From: Gallagher, Rebecca M. **On Behalf Of** Auvil, Steven M.
Sent: Friday, April 17, 2015 2:58 PM
To: 'eric.maurer@thomashorstemeyer.com'; 'Andrew.Crain@thomashorstemeyer.com'; 'pfs@pfslawgroup.com'; 'Dan.Gresham@thomashorstemeyer.com'
Cc: 'croberts@durietangri.com'; 'tsaulsbury@durietangri.com'; 'graubart@fr.com'; 'rward@dilworthip.com'; 'ccampbell@cooley.com'; 'rking@hunton.com'; Alex, James S.; Auvil, Steven M.; Warren Thomas (wthomas@mcciplaw.com); Steve Schaetzel (SSchaetzel@mcciplaw.com); MFerrario@kilpatricktownsend.com; mstockwell@kilpatricktownsend.com; rzoncal@ballardspahr.com; taherir@ballardspahr.com; millerrw@ballardspahr.com
Subject: Sarvint cases: extension request [I-AMS.FID1921164]

Dear Eric and Andrew,

I am writing on behalf of all of the defendants concerning an extension of time to respond to the motions for preliminary injunction filed by your clients on April 9th. On behalf of my client, Sensoria, I conferred with counsel for the other defendants, and we would each like a 3-week extension to respond to the preliminary injunction motions. Please let me know if your clients will consent to the motion.

The grounds for the requested extension are that the defendants are going to try to coordinate their responses on common issues so as to limit the burden on the Court, and this will take additional time. In addition, while your client has been working on these preliminary injunction motions for weeks if not months, we have a far shorter period to respond to the many assertions of fact and law contained in the motions and related submissions. Finally, while at the present time we are undecided whether to seek discovery prior to responding, we reserve the right to seek such discovery and want to build in the time to allow for it.

Please let me know by close of business whether your client will consent to the motions for extension to file responses to the motions for preliminary injunction for 3 weeks, or until May 18th.

Thanks.

Steve



Rebecca M. Gallagher
Paralegal
Squire Patton Boggs (US) LLP
4900 Key Tower
127 Public Square
Cleveland, Ohio 44114
T +1 216 479 8386
O +1 216 479 8500
F +1 216 479 8780
M +1 216 632 0443
Rebecca.Gallagher@squirepb.com | squirepattonboggs.com

44 Offices in 21 Countries

This message is confidential and may be legally privileged or otherwise protected from disclosure. If you are not the intended recipient, please telephone or email the sender and delete this message and any attachment from your system; you must not copy or disclose the contents of this message or any attachment to any other person.

Squire Patton Boggs (US) LLP is part of the international legal practice Squire Patton Boggs, which operates worldwide through a number of separate legal entities. Please visit www.squirepattonboggs.com for more information.

#US
